

§ 984.14

sales and deliveries within the area of production by growers to handlers.

[39 FR 35328, Oct. 1, 1974, as amended at 41 FR 31542, July 29, 1976]

§ 984.14 Handler.

Handler means any person who handles inshell or shelled walnuts, categorized as either:

(a) *Cooperative handler* meaning any handler who is a cooperative marketing association of growers; or

(b) *Independent handler* meaning any handler who is not a cooperative marketing association of growers.

[39 FR 35328, Oct. 1, 1974]

§ 984.15 Pack.

Pack means to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts.

[39 FR 35328, Oct. 1, 1974]

§ 984.19 Manufacturer.

Manufacturer means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products, except walnut oil.

§ 984.20 Kernelweight.

Kernelweight means the determined weight of the kernels in a quantity of walnuts regardless of their quality.

[39 FR 35328, Oct. 1, 1974]

§ 984.21 Handler carryover.

Handler carryover as of any date means all the merchantable walnuts (except those held in satisfaction of a reserve obligation) wherever located, then held by a handler or for his account (whether or not sold), plus (a) the estimated quantity of merchantable inshell walnuts in lots then held by that handler for packing as merchantable inshell walnuts, and (b) the estimated quantity of merchantable shelled walnuts to be produced from shelling stock and unsorted material then held by that handler.

[39 FR 35328, Oct. 1, 1974, as amended at 41 FR 31542, July 29, 1976]

§ 984.22 Trade demand.

(a) *Inshell*. The quantity of merchantable inshell walnuts which the trade will acquire from all handlers during a

7 CFR Ch. IX (1-1-00 Edition)

marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(b) *Shelled*. The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

[27 FR 9094, Sept. 13, 1962, as amended at 39 FR 35328, Oct. 1, 1974]

§ 984.23 Free walnuts.

Free walnuts means walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

[39 FR 35328, Oct. 1, 1974]

§ 984.26 Reserve walnuts.

Reserve walnuts means those walnuts which are held to meet a reserve obligation.

[41 FR 31542, July 29, 1976]

§ 984.31 Part and subpart.

Part means the order regulating the handling of walnuts grown in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California shall be a *subpart* of such part.

[41 FR 31542, July 29, 1976]

§ 984.32 To certify.

To certify means the issuance of a certification of inspection of walnuts by the inspection service.

[41 FR 31542, July 29, 1976]

§ 984.33 Hold.

Hold means to maintain possession or keep control of, in proper storage at all times, the kernelweight of certified merchantable walnuts necessary to meet a reserve obligation.

[41 FR 31542, July 29, 1976]

ADMINISTRATIVE BODY

§ 984.35 Walnut Marketing Board.

(a) A Walnut Marketing Board is hereby established consisting of 10 members selected by the Secretary, each of whom shall have an alternate

Agricultural Marketing Service, USDA

§ 984.37

nominated and selected in the same way and with the same qualifications as the member. The members and their alternates shall be selected by the Secretary from nominees submitted by each of the following groups or from other eligible persons belonging to such groups:

(1) Two members to represent cooperative handlers;

(2) Two members to represent independent handlers;

(3) Two members to represent growers who market their walnuts through cooperative handlers;

(4) One member to represent growers who market their walnuts through cooperative handlers or independent handlers, whichever category of such handlers had certified as merchantable more than 50 percent of the kernelweight of all walnuts certified as merchantable by all handlers during the two marketing years preceding the year in which nominations were made—the member representing growers who market their walnuts through independent handlers shall be nominated at large in the State of California;

(5) One member to represent growers from District 1 who market their walnuts through independent handlers; and

(6) One member to represent growers from District 2 who market their walnuts through independent handlers.

(b) The tenth member and alternate shall be selected after the selection of the nine members from the groups specified in paragraph (a) of this section and after the opportunity for such members to nominate the tenth member and alternate. The tenth member and his alternate shall be neither a walnut grower nor a handler.

(c) Grower Districts:

(1) *District 1.* District 1 encompasses the counties in the State of California that lie north of a line drawn on the south boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties.

(2) *District 2.* District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line set forth in paragraph (c)(1) of this section.

(3) The Secretary on the basis of a recommendation of the Board or other information may establish different districts within the area of production.

[41 FR 31542, July 29, 1976]

§ 984.36 Term of office.

The term of office of Board members, and their alternates shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

[39 FR 35329, Oct. 1, 1974, as amended at 41 FR 31542, July 29, 1976]

§ 984.37 Nominations.

(a) Nominations on behalf of growers who market their walnuts through cooperative handlers in California shall be submitted on a ballot cast by each such handler for its growers. The vote of each such handler shall be weighted by the kernelweight of the walnuts certified as merchantable during the preceding marketing year for each such handler. The person receiving the highest number of votes for the cooperative grower position shall be the nominee.

(b) Nominations on behalf of independent growers in Group 4, whenever such group represents independent growers and Groups 5 and 6, shall be submitted after ballot by such growers pursuant to an announcement by press releases of the Board to the news media in the walnut producing areas. Such releases shall provide pertinent voting information, including the names of candidates and the location where ballots may be obtained. Ballots shall be accompanied by full instructions as to their markings and mailing and shall include the names of incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board with the approval of the Secretary. Each grower in Group 4, whenever such group represents independent growers, and Groups 5 and 6, regardless of the number and location of his walnut orchard(s) shall be entitled to cast only one ballot in the nomination and each vote shall be given equal weight. If the independent grower has orchard(s) in both grower districts he shall advise